IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 840 of 2006 (M/B)

Sanju Saxena W/o Sri Sambhu Saxena,
D/o Sri Jagdish Saxena,
R/o Rampura, P.S. Rudrapur,
District Udham Singh Nagar. …….. Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Ministry of Home Affairs,
Uttaranchal Govt., Dehradun.
2. Senior Superintendent of Police,
Udham Singh Nagar.
3. Station House Officer,
P.S. Rudrapur, Udham Singh Nagar.
4. Sarvesh Mohan Saxena,
S/o Krishna Chandra Saxena
R/o Bhoot Bangla, Rudrapur,
District Udham Singh Nagar. …….. Respondents

Mr. S.K. Mandal, Advocate for the petitioner.
Mr.D.K. Sharma, Government Advocate for respondents Nos. 1 to 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J

RAJEEV GUPTA, C. J. (Oral)

Mr. S.K. Mandal, Advocate for the petitioner.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 to 3.

They are heard on admission.

2. Petitioner Sanju Saxena has filed this writ petition for the following reliefs:

> "I) Issue a writ order or direction in the nature of certiorari to quashing the NCR dated 7.6.2006 (Annexure NO. 1) lodged by the respondent no. 4 which registered as NCR No. 54/06 Under Section 498, 504, 506 I.P.C. Rudrapur, District – U.S. Nagar.
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> II) Issue a writ order or direction in the nature of mandamus directing & commanding the respondent no. 1 to 3 not to hand over the custody of the petitioner to

the respondent no. 4 and shall not interfere in the peaceful living of the petitioner.

III) Issue a suitable writ order or direction as this Hon'ble Court may deem fit and proper in the Circumstances of the case.

IV) To award the cost of the petition."

3. The petitioner's apprehension that the police would arrest her in the case arising out of the NCR No. 54 of 2006 registered at Police Station Rudrapur, District Udham Singh Nagar for the alleged commission of the offences punishable under Sections 498, 504 and 506 of the I.P.C. is apparently a misconceived one, as the petitioner is not shown as an accused in the said report.

4. In this view of the matter, the writ petition is liable to be dismissed and is, hereby, dismissed summarily.

5. Consequently, CLMA No. 8932 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
18.07.2006 18.07.2006

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